

## Rebecca Behrens

---

**From:** Zachary Walker  
**Sent:** Sunday, March 6, 2022 9:29 PM  
**Subject:** Requested Feedback for Resolution 22-725

Mayor and City Council,

Councilmember Hobart has asked me for background information on Resolution 22-725. This Resolution would require “the City Council to post competitive bids in pertinent venues to specifically recruit and hire a forensic investigation/audit firm, with proven experience in comprehensive investigations of potential misuse of public funds to conduct a detailed thorough investigation of all actions and documentation of the creation and practice of excessive overtime payments to an employee not classified to do such work for the city to which excessive overtime pay was disbursed from public funds and report such findings to the City Council.” While there are a number of inaccuracies in this Resolution, I am limiting my feedback in this email to the questions of City Charter authority and the role of the City Manager in the Council-Manager form of government.

As outlined in our City Charter, our government operates under the Council-Manager form of government. According to the International City/County Manager’s Association (ICMA), under the council-manager form, there is a clear distinction between the administrative role of the manager and the political and policy roles of the governing body, led by the mayor. The day-to-day operations of the local government organization reside with the appointed manager, allowing elected officials to devote their time and energy to policy development and the assessment of the effectiveness of those policies within the community. As part of these administrative responsibilities, City management has well-established practices in place relative to personnel complaints, internal investigations, and management evaluations. These practices are based, in part, on the authority granted in the City Charter (e.g., Sections 1.2 Form of Government; 2.15 Council not to interfere with administrative service, 3.3 City manager; Powers and Duties, 3.25 Merit system—Appointments, removals, etc.—Personnel Department, 3.26 Personnel director: Powers and Duties, Section 3.29 Personnel board: Powers and duties) and the Personnel Policies and Procedures Manual (e.g., Article VII, Separation and Disciplinary Action and Article VIII, Grievance and Complaint Resolution Procedure). These documents outline the authority, conditions, and processes in which disciplinary action may be taken, as well as the rights of employees and responsibility of management to resolve complaints and address issues within the Merit System established by City Charter.

In my tenure with the City, I have authorized, led, or been involved with investigations including, but not limited to, work agreement grievances, workplace violence, improper use of City resources, conflicts of interest, sexual harassment, complaints of violations of Section 2.15 of the City Charter, theft, and reviews of employee policy/procedure adherence. Many of these matters were serious in nature with wide-ranging implications in terms of personnel, legal, and public resources.

In the form of government and Merit System established by the City Charter, administrative and personnel matters are firmly within the authority of the City Manager and Personnel Department. Investigations into potential wrongdoing of any City personnel must follow the Personnel Policies and Procedures Manual and/or applicable work agreements. With the exception of the four City Council employees, the authority to issue any disciplinary action as an outcome of an investigation or complaint is entirely the responsibility of the City Manager and Personnel Department. The outcome of any investigation not authorized or initiated by the City Manager would not have the authority to issue disciplinary action to an employee or employees (other than the four City Council employees).

In order to adhere to the City Charter, the Personnel Policies and Procedures Manual, and all applicable work agreements, as well as to ensure any appropriate disciplinary actions are taken, I strongly recommend you allow City

staff to complete the personnel investigation that has been initiated as is my responsibility and to not approve Resolution 22-725.

As this Resolution was not routed through my office, we did not have the opportunity to provide this feedback in advance of it being added to the agenda. I will therefore ask the City Clerk to attach this email to the agenda item for the benefit of transparency.



**Zach Walker**

City Manager

O – 816-325-7170

[zwalker@indepmo.org](mailto:zwalker@indepmo.org)

111 E. Maple Ave  
Independence, MO 64050